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EMPLOYEES' COMPENSATION BENEFITS

SECTION I: EMPLOYEES' COMPENSATION BENEFITS FOR INJURY OR
DEATH INCURRED IN PERFORMANCE OF DUTY

1. GENERAL

- a. This section states Agency policy, responsibilities and procedures for processing cases arising under the Federal Employees' Compensation Act (FECA), (Public Law 267, 64th Congress, as amended.) The FECA, which is administered by the Bureau of Employees' Compensation (BEC), Department of Labor, provides full hospital and medical care, compensation for time lost from work, scheduled disability awards and death benefits for injury incurred in the performance of duty.
- b. The benefits of the FECA are provided for all Federal employees regardless of the place of assignment or type of duty status. They are distinct from the hospitalization and incidental travel benefits authorized overseas employees by Section 5(a)(5)(A) and 5(a)(5)(C) of the Central Intelligence Agency Act of 1949 and described in Section II. 25X1A
- c. The provision of any medical treatment, services, or supplies from any other source is not evidence of eligibility for the benefits provided by FECA. FECA benefits are granted in accordance with the conditions stated in applicable BEC regulations and the provisions of this regulation.
- d. Hospitalization and medical expenses incurred for a member of an employee's family are not the responsibility of this Agency or the Bureau of Employees' Compensation, Department of Labor. Hospitalization and surgical

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insurance programs available to Agency employees to cover these contingencies are described in Notice [REDACTED]

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2. DEFINITIONS

a. Injury

As used in the Federal Employees' Compensation Act, the term "injury" includes in addition to injury by accident any disease proximately caused (i.e., incurred or materially aggravated) by the employment of the individual.

b. Injury in the Performance of Duty

As used in the Federal Employees' Compensation Act, "injury in the performance of duty" means an injury which is directly attributable to or materially aggravated by his work and which is not the result of the employee's willful misconduct, intoxication, or intention to bring about the injury or death of himself or another.

3. POLICY

~~In order to provide maximum benefits to employees,~~ Compensation claims will be transmitted to the Bureau of Employees' Compensation for processing wherever possible. In furtherance of this policy, the Agency will attempt to overcome all security obstacles that might be concerned in the processing of individual claims, in order to permit their transmittal to the Bureau of Employees' Compensation for adjudication. If security problems involved in a case of temporary disability cannot be overcome, the compensation benefits normally obtainable through the Bureau of Employees' Compensation may be

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4. RESPONSIBILITIES

a. Director of Personnel

The Director of Personnel is responsible for the administration of this regulation; for prescribing necessary procedures for implementing the policies stated herein; for determining the method of processing claims; and for coordinating the processing of specific cases, as he considers appropriate, with the Director of Security; General Counsel; Chief, Medical Staff; and the Operating Official* concerned. He, or his deputy, will determine whether claims will be forwarded to the Bureau of Employees' Compensation for processing or will be processed internally, and he will administratively approve or disapprove those processed within the Agency.

b. Director of Security

The Director of Security is responsible for providing advice and assistance on security aspects of all cases arising under this regulation.

c. Deputy Director (Plans)

The Deputy Director (Plans) is responsible for providing advice and assistance on all official and non-official cover aspects of cases arising under this regulation.

* Operating Official - Directors, Chiefs of Staffs and the Comptroller in the Office of the Deputy Director (Support), Chiefs of Senior Staffs and Area Divisions in the Office of the Deputy Director (Plans), and Assistant Directors in the Office of the Deputy Director (Intelligence).

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d. General Counsel

The General Counsel is responsible for providing advice and assistance on all legal aspects of cases arising under this regulation.

e. Chief, Medical Staff

The Chief, Medical Staff, is responsible for providing advice and assistance on all medical aspects of cases arising under this regulation. The responsibilities of the Chief, Medical Staff, concerning the provisions of medical treatment, services, and supplies are stated in Agency regulations applicable to his functions.

f. Deputy Directors, Operating Officials, and Supervisors

Deputy Directors, Operating Officials, and supervisors are responsible for providing advice and assistance relating to all issues involved in connection with cases arising under this regulation and for furnishing the documents and other information required by the Director of Personnel in connection with specific cases.

g. Employees

Employees who claim benefits specified by this regulation are responsible for complying with the procedural requirements stated herein and for fulfilling such other requests for information and examination as may be necessary.

5. BENEFITS

a. General

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Information and advice as to benefits in specific cases will be provided by the Office of Personnel upon request.

- (1) The general benefits to which employees may be entitled are listed in Appendix A. Briefly, they include the following:
 - (a) Payment for medical services and supplies, regardless of whether the injury has resulted in loss of worktime;
 - (b) Compensation for the loss of salary based upon time lost from Agency employment;
 - (c) Compensation for loss of wage earning capacity based upon the nature or degree of disability;
 - (d) Designated awards based on specific disabilities or disfigurements;
 - (e) Allowance for vocational rehabilitation of permanently disabled persons;
 - (f) Allowance for the services of an attendant for totally disabled persons;
 - (g) Death benefits based on the employee's monthly pay and the number and relationship of his dependents;
 - (h) Allowance for funeral expenses, under certain circumstances;
 - (i) Payment of the cost of travel incidental to obtaining treatment.

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(2) Waiting Period

Employees are not entitled to compensation for time lost from duty for the first three days of temporary disability unless the period of disability exceeds 21 days or unless temporary disability becomes a permanent disability as determined by the Bureau of Employees' Compensation.

(3) Use of Sick or Annual Leave

Compensation for time lost and salary payments cannot be received for the same period. An employee has the option of claiming compensation for time lost from duty or of charging his absence to sick and/or annual leave to his credit. Sick and annual leave are payable at the employee's regular salary rate. Compensation payments are limited to a percentage of his gross pay. (See Appendix A).

(a) If compensation is received for time lost from duty during any period of disability, the employee will be placed in a leave without pay status during the period covered by such claim whether or not he has sick or annual leave to his credit.

(b) If sick and/or annual leave are used initially, compensation for time lost may be claimed upon termination of such leave.

(4) Alternative Benefits

An employee who is entitled to benefits under the Federal Employee's Compensation Act, as amended, may also qualify for other Federal

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Service Retirement Act. In such cases, the employee may elect which of the alternative benefits he will receive for the periods for which benefits are available.

6. REPORTING PROCEDURES

- a. Injury or death of an employee will be immediately reported to the Office of Personnel in accordance with the procedures established in Regulation [REDACTED] In addition, cases of injury or death in the performance of duty which occur in headquarters [REDACTED]

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[REDACTED] will be reported in accordance with the procedures prescribed below. If the forms prescribed (see Figures 1 to 5) are not available, the same information may be reported by memorandum.

b. Injury in the Performance of Duty

- (1) An employee injured in the performance of duty will notify his supervisor immediately. He will also prepare Form 271, Employee's Notice of Injury or Occupational Disease (Figure 1) in triplicate, and submit it to his supervisor within 48 hours. If the injured employee is unable to submit this notice, it may be given by another person acting in his behalf. The original and one copy of the notice will be forwarded to the Office of Personnel and the second copy to the Medical Staff through regular administrative channels. Under no circumstances will the report be forwarded to the Bureau of Employees' Compensation by the employee or individual acting in his behalf.

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- (2) If the injury is disabling or is likely to prove disabling, the supervisor will prepare Form 272, Official Superior's Report of Injury (Figure 2) in triplicate. If treatment was not furnished by the Agency Medical Staff, the supervisor will arrange for completion of the Government Medical Officer's statement on the reverse side of Form 272 if applicable, unless security considerations preclude furnishing this information. The original and one copy of the report form will be forwarded to the Office of Personnel and the second copy to the Medical Staff through regular administrative channels.
- (3) Termination of disability of an injured employee will be reported by his supervisor on Form CA-3 (upper portion), Report of Termination of Total or Partial Disability (Figure 3), unless it has previously been reported on Form 272, Official Superior's Report of Injury. Form CA-3 will be prepared in triplicate; the original and one copy will be forwarded to the Office of Personnel and the second copy to the Medical Staff through regular administrative channels.

c. Death in the Performance of Duty

Death of an employee resulting from an injury incurred in the performance of duty will be promptly reported by the employee's supervisor on Form CA-3 (lower portion), Report of Death. Form CA-3 will be prepared in duplicate and forwarded to the Office of Personnel through regular

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7. PRIOR AUTHORIZATION FOR EVACUATION TO THE UNITED STATES

Prior headquarters approval must be obtained for the evacuation of an employee to the United States for medical reasons, except in cases where the extreme nature of the emergency precludes obtainment of such prior approval. Such requests will be submitted to the Office of Personnel through regular administrative channels.

8. CLAIMS

a. Submission of Claims

(1) Claims for reimbursement or payment of the cost of medical services and supplies, and other related expenses, and/or for compensation for time lost from duty will be submitted on Form 274, Claim for Compensation on Account of Injury (Figure 4). Form 274 will be prepared in duplicate by the employee and submitted to the Office of Personnel through regular administrative channels within 60 days from the date of injury.

(a) The completion of the Attending Physician's Certificate on the reverse side of Form 274 will be obtained if security considerations permit. If execution of the Certificate is not appropriate for security reasons, the attending physician will be requested to prepare a medical report or memorandum which contains information similar to that requested on the Certificate.

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- (b) The supervisor of the injured employee will complete the Certificate of Official Superior of Injured Employee on the reverse side of Form 274.
 - (c) A copy of each of the documents in support of the claim, including itemized bills and receipts, travel orders, and claims for personal expenditures by the individual, will accompany Form 274.
- (2) Claim for compensation benefits by the survivor(s) of an employee who dies as the result of an injury incurred in the performance of duty will be made on Form CA-5, Claim for Compensation on Account of Death (Figure 5). This form will be submitted to the Office of Personnel in duplicate.
- (3) Claim for reimbursement of travel expense incident to securing treatment will be made on Standard Form 1012, Travel Voucher. This form will be prepared in duplicate and forwarded to the Office of Personnel through regular administrative channels.
- b. Processing of Claims
- The Director of Personnel, or his deputy, will review each claim to determine whether it is to be transmitted to the Bureau of Employees' Compensation or adjudicated within the Agency.
- (1) Claims to be adjudicated by the Bureau of Employees' Compensation will be forwarded by the Office of Personnel to the Bureau on a classified or unclassified basis as the situation warrants.

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- (2) Claims processed within the Agency will be administratively approved or disapproved by the Director of Personnel, or his deputy, after obtaining the recommendations of the Chief, Medical Staff.
- (a) Approved claims will be forwarded to the Finance Division, Office of the Comptroller, for payment. One copy of each memorandum of approval will be forwarded to the appropriate Operating Official or Chief of Station through normal channels.
- (b) A disapproved claim will be returned to the claimant with a memorandum stating the reasons for disapproval. A copy of this memorandum will be forwarded to the Operating Official or Chief of Station concerned through normal channels.

ALLEN W. DULLES
Director of Central Intelligence

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